

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SOLOMONA RICKY PATU,

Petitioner,

v.

## STATE OF WASHINGTON,

## Respondent.

CASE NO. 3:15-CV-05411-RJB-DWC

## REPORT AND RECOMMENDATION

Noting Date: November 13, 2015

Petitioner Solomona Ricky Patu, proceeding *pro se*, filed a proposed federal habeas

17 Petition pursuant to 28 U.S.C. § 2254. Dkt. 1. Petitioner filed an application to proceed *in forma*  
18 *pauperis* (“IFP”) and, on August 3, 2015, the undersigned recommended the IFP application be  
19 denied because Petitioner could pay the five dollar (\$5.00) filing fee. Dkt. 3, 7. The Report and  
20 Recommendation was adopted on September 2, 2015, and Petitioner’s application to proceed IFP  
21 was denied. Dkt. 12. Petitioner was ordered to pay the filing fee within thirty days of the date of  
22 the order adopting the Report and Recommendation, or by October 2, 2015. *Id.* If Petitioner did  
23 not pay the filing fee within thirty days he risked dismissal of this case. *Id.*

1 Petitioner has not paid the filing fee or filed any pleading in this case since the date he  
2 was ordered to pay the filing fee. *See* Dkt. 13. As Plaintiff has failed to pay the filing fee and  
3 prosecute this case, the Court recommends dismissal of this action without prejudice.

4 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil  
5 Procedure, the parties shall have fourteen (14) days from service of this Report to file written  
6 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those  
7 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time  
8 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on  
9 November 13, 2015, as noted in the caption.

10 Dated this 26th day of October, 2015.

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13 David W. Christel  
United States Magistrate Judge  
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